

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
Philadelphia Division

IN RE:

SAEED FRANKLIN  
DON-JILL H FRANKLIN

Debtors

Chapter 13  
Case No. 24-13247-AMC

BMW FINANCIAL SERVICES NA, LLC

Movant

v.

SAEED FRANKLIN  
DON-JILL H FRANKLIN  
(Debtors)

KENNETH E. WEST  
(Trustee)

Respondents

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C.  
§ 362(d)(1) AND FOR ENTRY OF ORDER WAIVING THE PROVISION OF FED. R.  
BANKR. P. 4001(a)(4)**

NOW COMES BMW Financial Services NA, LLC, a secured creditor in the above-captioned bankruptcy case, by its counsel, Orlans Law Group PLLC, as and for a motion pursuant to 11 U.S.C. § 362(d)(1) and Fed. R. Bankr. P. 4001(a)(4), seeking an Order granting relief from the Automatic Stay in order to obtain possession and dispose of its collateral, namely one 2023 BMW X3 xDrive 30i and states the following as grounds therefore:

1. This Court has jurisdiction over this matter under 28 U.S.C. §§ 1334(b) and § 157(a) and 11 U.S.C. § 362(d). Upon information and belief, this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).

2. On September 13, 2024, the Debtors, above-named, filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code.
3. On the Petition Date, the Debtors were in possession of a 2023 BMW X3 xDrive 30i VIN No. 5UX53DP00P9N96791 (the "Vehicle") and indebted to Creditor for this Vehicle pursuant to the terms of the Vehicle Lease Agreement (the "Lease"). The Vehicle is, upon information and belief, in the possession and control of the Debtors. True and correct redacted versions of the Lease and Proof of Lien Perfection are attached as Exhibits "A" and "B", respectively.
4. Pursuant to 11 U.S.C. § 362(d)(1), upon request of a party in interest, the Court shall grant relief from the automatic stay for cause, including lack of adequate protection of an interest in property of such party in interest.
5. As of July 18, 2025, the net total balance due on the obligation to Creditor was \$31,081.47.
6. As of July 18, 2025, the Debtors are in default of the payment obligations to the Creditor pursuant to the terms and conditions of the Lease in the amount of \$1,490.04.
7. That Creditor has ascertained that the clean value of the Vehicle is \$37,000.00 based on N.A.D.A. Used Car Guide's estimated value of the Vehicle. A copy of the N.A.D.A. Guide for valuation of the Vehicle is attached hereto as Exhibit "C".
8. Upon information and belief, there is no other encumbrance affecting the Vehicle, and there is no other collateral securing the indebtedness.
9. Upon information and belief, the Debtors continue to enjoy the use and possession of the Vehicle subjecting same to normal occupational wear and tear thereby causing of the Vehicle to depreciate in value. It is respectfully submitted that the continued use of the

Vehicle shall eventually render it useless thereby causing BMW Financial Services NA, LLC irreparable damage to its interests in same.

10. It is respectfully asserted that the Creditor's interest in the Vehicle will not be adequately protected if the automatic stay is allowed to remain in effect.
11. Accordingly, sufficient cause exists to grant the Creditor relief from the automatic stay.

WHEREFORE, the Creditor, BMW Financial Services NA, LLC, respectfully requests that the Court issue an Order, pursuant to 11 U.S.C. §362(d), either:

- a. Granting the Creditor relief from the automatic stay in order to obtain possession and dispose of the Vehicle, the entry of which order shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(4); and
- b. For such other and further relief as the Court may deem just and proper.

Date: August 1, 2025

Respectfully Submitted,

/s/ Elizabeth A. Trachtman

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